

**AMENDMENTS TO THE DRAWINGS**

The attached proposed drawing correction includes the following changes:

In Fig. 1, element 3, the label “HARD DISK DRIVE B” has been replaced with the label “HARD DISK B”.

In Fig. 3, step S41, the label “EJEJCT” has been replaced with the label “EJECT”.

Attachment: 2 Annotated Sheets

**REMARKS**

Claims 1-9 have been examined. Claims 4, 5 & 7-9 have been rejected under 35 U.S.C. § 102(e), and claim 6 has been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 1-3 contain allowable subject matter.

**I. Preliminary matters**

**A. Objection to the Title**

The Examiner has objected to the title as insufficiently descriptive. Applicants submit that the amended title overcomes the objection.

**B. Amendments to the specification**

Applicants have amended the specification to correct informalities objected to by the Examiner, as well as submit that such amendments overcome the objection and do not include any new matter.

**C. Objection to the drawings**

The Examiner has objected to the drawings due to errors and inconsistencies. Applicants submit that the proposed drawing corrections to Figs. 1 & 3 filed concurrently herewith overcome the objection and do not include any new matter.

**II. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,292,440 to Lee (“Lee”)**

Claims 4, 5 & 7-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lee. Applicants submit that, for at least the following reasons, the claims are patentable over the cited reference.

**A. Claim 4**

Claim 4 recites a step which “judges that the program information is copied onto the second recording medium when the program information recorded on the first recording medium is reproduced.” The Examiner argues that this step is inherent to Lee because Lee discloses an apparatus that determines whether to copy information from a disk based upon whether the disk contains CD-audio data or MP3-encoded data. (Lee at col. 3 ll. 38-43.)

Applicants submit that the determination made in Lee is distinguishable from the judgment step recited in claim 4. Whereas Lee determines the type of information on the disk, claim 4 determines whether the information has been copied onto the second recording medium. Applicants submit that these are clearly different determinations made for different purposes, and that the determination made in Lee is irrelevant to the method recited in claim 4. Furthermore, the judgment step recited in claim 4 cannot be inherent to Lee unless it is a strictly necessary part of the invention. Since Lee does not disclose reuse of information recorded on the second storage medium, there is no need for Lee to determine that such information has been copied.

Claim 4 also recites the step “controlling reproducing of the program information recorded on the first recording medium to be stopped and the copied program information to be reproduced if it is judged that the program information is copied.” The Examiner argues that this step is also inherent to Lee because Lee stops copying when ordinary audio CD-audio data is detected. (Lee at col. 3 ll. 50-59.) As stated above, Applicants submit that the determination in Lee as to the type of information on the first recording medium is distinguishable from the determination here “that the program information is copied.”

**B. Claim 5**

Claim 5 recites a controller “wherein the controller controls the first reproducer not to reproduce the program information on the first recording medium and the second reproducer to reproduce the program information on the second recording medium if the second recording medium contains the program information.” The Examiner argues that this step is inherent to Lee because Lee discloses an apparatus that determines whether to reproduce information from a first recording medium or from a second recording medium based upon whether the first recording medium contains CD-audio data or MP3-encoded data. (Lee at col. 3 ll. 50-59.)

Applicants submit that although Lee chooses to reproduce information from the second recording medium rather than the first recording medium based on a determination, Lee’s determination is distinguishable from that of claim 5. Whereas Lee chooses the information source based upon the data type in the first recording medium, claim 5, as in claim 4 and claim 1, makes this choice “if the second recording medium contains the program information.”

**C. Claims 7-9**

Since claims 7-9 depend upon claim 5, Applicants submit that they are patentable at least by virtue of their dependency.

**III. Rejection under 35 U.S.C. § 103(a) over Lee and U.S.P. 5,392,264 to Hira (“Hira”)**

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Hira. Since this claim depends upon claim 5, and since Hira does not cure the deficient teaching of Lee with respect to claim 5, Applicants submit that this claim is patentable at least by virtue of its dependency.

**IV. Allowable subject matter**

The Examiner has objected to informalities in claims 1-3 but indicates that they would be allowable if corrected. Applicants have amended claims 1-3 to correct the informalities objected to by the Examiner and submit that such amendments overcome the objection so that claims 1-3 are therefore allowable.

**V. Newly added claims**

Applicants have added new claims 10-13 to provide more varied protection for the present invention. These claims are allowable at least for reasons similar to those presented above.

**VI. Conclusion**

Claims 1-13 are all the claims now pending in the application.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
US Appln. 10/092,296

Atty. Docket: Q68841

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

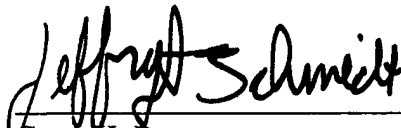

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**23373**

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